



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,315	01/22/2004	Michael Chilton Sheasby	pp-02-01-2003	3096

7590

06/17/2005

Michael Sheasby
195 Louis-Lalande
Boucherville, QC
CANADA

EXAMINER

WANG, JIN CHENG

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,315	Applicant(s) SHEASBY ET AL.	
	Examiner Jin-Cheng Wang	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 6 or 12, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Haeberli U.S.

Patent No. 6,587,596 (hereinafter Haeberli).

Claim 1:

Haeberli teaches a method comprising:

Entering an interactive crop-to-fill mode (*the cited reference discloses entering into an interactive process of crop-to-fill mode in which an image or a portion of an image is cropped with the selectable border region in which the foreground image is used as a crop mask that is superimposed over the background image and a portion of the background image is cropped. The crop shape can be selected by clicking on one of the crop shape buttons and the user can adjust other crop product attributes and/or order an image-based product incorporating the image in which the border size, style and color can be adjusted; see column 13-22*);

Interactively specifying an update to said source extent of said source image visible within said enclosing region (Figs. 9A-12B) using said input device (e.g., mouse) without affecting exterior dimensions of said enclosing region (the enclosing region will not be changed when the user not clicking the crop control buttons to change the size of location of the selected portion. Note that the process 1000 of Fig. 10 allows a user to crop a selected image using the user interface to perform the crop-to-fill mode in which a crop mask is generated which contains a region corresponding to the selected portion of the image and a region corresponding to the cropped portion of the image and the crop mask, when displayed over the image, distinguishes the selected portion from the cropped portion of the image wherein the selected portion of the image is enclosed by the cropped portion of the image; see column 14, lines 1-56; the selected portion of the image is fully visible while the cropped portion appears in a checkerboard pattern. The product attribute such as the shape, size and location of the selected portion of the image can be specified without the change through the user interface command; column 15, lines 20-30; and the system 100 can automatically select which product attribute to change and select new values for the selected product attributes; column 18, lines 41-55; It is noted that a user does not

Art Unit: 2672

have change the “Print Size” when not clicking on the Print Size control button; column 17, lines 5-20; using the default print size; column 19, lines 50-60);

Leaving said interactive crop-to-fill mode (e.g., the process 1000 is completed in which the user select an image and then select a new border style for an image print and the server generates a preview image reflecting the new product attributes which is downloaded and displayed on the client computer for the user and the user then ceases accessing that image; column 20, lines 53-65).

Claim 2:

Haeberli further discloses the claim limitation of selection of the image region by a pointing device (column 18, lines 56-65; column 14, lines 1-24).

Claim 3:

Haeberli further discloses the claim limitation of pressing a button on a computer mouse over a visual control associated with one of the selected regions and subsequently releasing the button (column 18, lines 41-65; column 14, lines 1-24).

Claim 4:

Haeberli further discloses pressing a key on the keyboard and subsequently releasing it (column 18, lines 41-65; column 14, lines 1-24).

Claim 5:

Haeberli further discloses the claim limitation of determining which corner of said source extent of said source image is being manipulated (column 14, lines 1-20); determining the current position of a pointing device in a coordinate system determined by the original location and size of said source extent prior to interaction (column 14-22); updating the extent of said

Art Unit: 2672

source extent and therefore the sub-region of said source image to be drawn within said containing region such that the corner of said source image is set to said current pointer position in said source image coordinate system (Figs. 9A-9B).

Claim 6:

Haeberli further discloses the claim limitation of aborting by teaching the “undo” function which is the same as the aborting function (column 22, lines 21-61) by pressing a key (column 18, lines 41-55).

Claims 7-12:

The claims 7-12 are subject to the same rationale of rejection set forth in the claims 1-6.

Conclusion

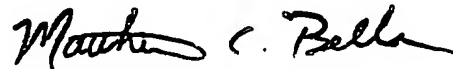
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jcw

A handwritten signature in black ink, appearing to read "Matthew C. Bella". The signature is fluid and cursive, with the first name "Matthew" being more prominent than the last name "Bella".

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600